



Libertarian Party of Michigan

Testimony regarding S752 of 2011 and S754 of 2011

Statement to the House Committee on Ethics and Elections, April 24, 2012

Regarding S752 Minor Political Party Conventions, and S754 Third Party Voter Registration Part 2

From: James Lewis, Brighton, Michigan, 248-687-1470, kokopellifinancial@gmail.com, chair of the Libertarian Party of Michigan Executive Committee.

Will Tyler White, Okemos, Michigan, 48864, 517 349-3806, whitewi5@msu.edu, chair of the Libertarian Party of Michigan Legislative Committee.

Thank you for addressing the important issue of election integrity. The committee should be aware though, that voter fraud is almost nonexistent, while verification of voting results is a serious problem. Another major concern is the suppression of voters and independent or minor party candidates.

The provision in S752 (S-1) that would require minor political parties to provide a 10-day notice of county caucuses or state conventions is unnecessary, burdensome and problematic.

First, there has been no compelling interest of the State cited to require such a provision, as all political parties are already required to report the results of conventions within 24 hours of their conclusion. The instance of phony "Tea Party" candidates in the 2010 election was correctly prosecuted as a criminal act, which begs the question of why this bill punishes "minor" parties for prior illegal actions of "major" party operatives. Had a 10-day notice of a phony "Tea Party" convention been received by the Secretary of State, the phony candidates may have been given even *more* credibility and perhaps not even prosecuted.

Second, regulation of internal political party procedures violates the First Amendment of the United States Constitution. In *San Francisco v. Eu*, the US Supreme Court overturned California's regulation of such internal party procedures. This bill would also preclude emergency conventions in the event of a calamity like the sudden withdrawal of a candidate due to severe illness or accidental death.

The 10-day notice in S752 (S-1), like much of Michigan election law, is also unconstitutional as it requires of minor parties something not required of major parties, creating two classes of citizens: those who are members of the Republican or Democrat parties, and everyone else. This is unequal treatment of voters who are either independent or sympathetic to other parties, which is contrary to the very first article of the Michigan Constitution. Article 1, Section 1 states: "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection".

The photo ID requirements of S752 (S-2) actually present a *greater chance of fraud* than the current system of reliance on signatures, which are the gold standard for identification purposes. Any teenager can create a fake photo ID on a home computer, but accurate forgery of signatures is extremely difficult. Photo ID laws have already been thrown out as unconstitutional in Wisconsin and Missouri.

S754 (S-2) has one good provision we support that allows for rotation of ballot listings so that the top spot lists a different candidate in successive precincts, reducing the advantage of a top-of-ticket listing.

Unfortunately, most of S754 (S-2) is without merit, as it puts restrictions on third party voter registration, infringing on the Constitutional rights of assembly and petition, and making it more difficult to register voters. Given the large amount of unregistered eligible voters, it would seem prudent to make it *easier* to register voters, especially since Michigan has failed to meet its obligation under the National Voter Registration Act of 1993 to provide for voter registration at all State offices.

For these reasons, the Libertarian Party opposes these bills as stated above, and petitions this legislature to enact bills that are more equitable to "minor" political parties. In our view, all political parties

represent minorities of eligible voters (which has been verified by independent national polling firms), and should be treated the same, as called for in Article 1, Section 1 of our state constitution.